

REMARKS

Agent for Applicant presents currently amended claims 1, 3, 6-8, 16, 19 and 20, previously presented claims 4, 5 and 9-13, original claim 2 and new claims 21-25 for consideration by the Examiner. The present application has 21 claims in total.

Claim Rejections – 35 USC § 112

The Examiner stated that claims 7 and 20 are rejected as being indefinite for lack of antecedent bases. In response, Agent for Applicant has amended these claims to overcome said rejections.

In particular, claim 7 has been amended so that it now depends on claim 6 (not claim 5). Claim 6 introduces "a control". Claim 20 has been amended to no longer refer to "said electrical power generator".

In addition, please note that claim 8 has been amended to correct a minor typographical error, namely, changing "members" to "member".

Claim Rejections – 35 USC § 102*1. Claims 16-17*

The Examiner stated that claims 16-17 are rejected as being anticipated by Jansen (6,855,016). The Examiner further stated that claim 18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims (Office Action, para. 9).

In response, Agent for Applicant has amended independent claim 16 to incorporate all of the limitations of claims 17 and 18. Claims 17 and 18 are hereby cancelled. Agent for Applicant therefore respectfully submits that claim 16, as amended, is in an allowable state.

Similarly, Agent for Applicant has amended claim 19 to incorporate all of the limitations of claim 16, its base claim. The Examiner also stated that claim 19 would be allowable if rewritten in independent form including all of the limitations of the base claim (Office Action, para. 9). Agent for Applicant therefore respectfully submits that claim 19, as amended herein in independent form, is in an allowable state.

In light of the foregoing, the rejection of claims 16-17 is no longer pertinent.

2. *Claims 1-2, 5, 9, 14*

The Examiner stated that claims 1-2, 5, 9 and 14 are rejected as being anticipated by Jansen.

In response, Agent for Applicant has amended independent claim 1 to change "information output device" to "information output circuitry" to make it clear that the information output means comprises electronic circuitry.

To further distinguish the present invention from the cited art, Agent for Applicant has amended independent claim 1 to incorporate limitations similar to the subject matter of claim 5 (deemed allowable by the Examiner if rewritten in independent form), namely, that the information output circuitry is linked to a control for a moveable part of said member, and said information output circuitry outputs information regarding use of said control.

It is respectfully submitted that these amendments to claim 1 overcome the Jansen citation, since Jansen fails to disclose or suggest a chair member with information output circuitry linked to a control for a moveable part of the chair, with the information output circuitry outputting information regarding use of the control.

Lacking at least these features, it cannot be said that Jansen anticipates claim 1 of the present application. Claims 2, 5, 9 and 14 depend from Claim 1 and all are therefore patentable for at least these reasons.

3. *Claim 20*

The Examiner further stated that claim 20 is rejected as being anticipated by Jansen.

In response, Agent for Applicant has amended claim 20 to emphasize that the electrical power requirements are directed at providing power to an electronic display for displaying information. Nowhere in Jansen is it disclosed or suggested that a chair include an *electronic* display powered by a combination of a rechargeable battery, solar power means and/or chair movement generator means. Indeed, as stated in the Office Action (para. 5), the Examiner considers the "disturbed water" located around the propulsion unit as a "display of information". Lacking at least this

feature of amended claim 20, it cannot be said that Jansen is anticipatory and it is therefore respectfully submitted that claim 20 is patentable over Jansen.

Claim Rejections – 35 USC § 103

1. *Claims 1-4, 9, 12 and 14-15*

The Examiner stated that claims 1-4, 9, 12 and 14-15 are unpatentable over Ortleib (4,933,618) in view of Ziegler (6,393,348). Claims 14 and 15 are hereby cancelled and therefore the rejection of these claims is no longer pertinent.

As mentioned above, claim 1 has been amended to include further limitations, namely, that "information output circuitry" is linked to a control for a moveable part of said member, and said information output circuitry outputs information regarding use of said control. It is respectfully submitted that such features are not disclosed or suggested in either Ortleib or Ziegler, alone or in combination. Ziegler, which the Examiner stated teaches the use of an information output device, discloses the use of transmitters or devices for the purposes of monitoring the vital functions of a passenger, and *not* information regarding use of a control.

Lacking at least these features, it cannot be said that Ortleib and/or Ziegler renders claim 1 of the present application obvious. Claims 2, 5, 9 and 14 depend from Claim 1 and all are therefore patentable for at least these reasons.

2. *Claim 13*

The Examiner further stated that claim 13 is rejected as being unpatentable over Ortleib in view of Ziegler and in further view of Burt (US 2002/0056709).

As mentioned above, it is respectfully submitted that claim 1 is patentable over the cited references, and remains patentable in view of Burt which also fails to disclose or suggest information output circuitry for outputting information regarding use of a control. Claim 13 depends on claim 1 and is therefore patentable for at least this reason.

Allowable Subject Matter

The Examiner stated that claims 6, 8, 10-11 and 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner further stated that claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

In response, Agent for Applicant has amended claim 6 to be independent, incorporating all of the limitations of claim 1. Claim 7 (as amended) and 8 depend from amended claim 6. It is respectfully submitted that claims 6-8 are now in an allowable state.

As mentioned above, the subject matter of claims 17 and 18 have been incorporated into claim 16, and claim 19 has been rewritten in independent form to include all of the limitations of the base claim (claim 16). It is respectfully submitted that claims 16 and 19 are therefore in an allowable state.

New Claims

Agent for Applicant directs the Examiner's attention to new claim 21. New claim 21 includes the limitations of claims 1 and 10 (deemed allowable by the Examiner if rewritten in independent form) and specifies the use of rolling casters for generating electrical energy. Agent for Applicant respectfully submits that this claim is in an allowable state.

In addition, Agent for Applicant directs the Examiner's attention to new claim 22. New claim 22 includes the limitations of claims 1 and specifies the use of a moveable hinge linked to the energy converter for generating electrical energy in response to movement (which is similar to claim 11 which has been deemed allowable by the Examiner if rewritten in independent form). Such configuration has not been disclosed or suggested in any of the cited references. Accordingly, Agent for Applicant respectfully submits that this claim is in an allowable state.

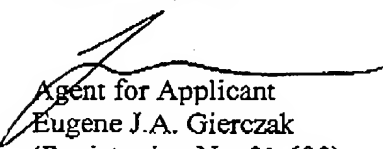
Dependent claims 23 and 24 further specify where said moveable hinge is located, namely, either between the back and the seat or between the body of the chair (i.e. back and seat) and the pedestal chair base. With respect to the latter, this location of the hinge is operable to capture energy associated with rocking movement of the chair (see para. 28 of the specification).

Finally, Agent for Applicant directs the Examiner's attention to new claim 25. New claim 25 is derived from amended claim 1 and specifies a member having information circuitry which outputs information about said member and an energy converter disposed on said member for converting energy to which the member is exposed to electrical energy for powering said information circuitry. It is respectfully submitted that such configuration has not been disclosed or suggested in any of the cited references, since no reference teaches a member having information circuitry outputting information *about the chair/member*. Accordingly, Agent for Applicant respectfully submits that this claim is in an allowable state.

CONCLUSIONS:

Agent for Applicant respectfully states that the application is now in condition for immediate allowance and respectfully solicits same.

Yours faithfully,


Agent for Applicant
Eugene J.A. Gierczak
(Registration No. 31,690)
MILLER THOMSON LLP
Barristers & Solicitors
Scotia Plaza
40 King Street West, Suite 5800
Toronto, Ontario, Canada M5H 3S1
Telephone No. 416.596.2132
Telecopier No. 416.595.8695

EJAG/mjg

cc: Terry Cassaday

N:\corplegierczak\ergoCentric\Chair With Power Source\PC\TUS\VOA resp Jan 11 07.doc